1954

SUPREME COURT OF THE UNITED STATES.

No. 169.

GEORGE KENDALL, LEANDER M. WARE, AND GEORGE L. JENCKES, PLFF'S IN ER.,

vs.

JOSEPH S. WINSOR.

IN ERROR TO THE CIRCUIT COURT U. S. FOR THE DISTRICT OF RHODE ISLAND.

INDEX.

	Original.	Print.
Writ and marshal's return	2	1
Declaration	4	2
Defendant's plea	6	4
Issue joined	7	4
Jury sworn	7	4
Verdict and judgment	8	4
Appeal bond	9	5
Bill of exceptions	11	6
Certificate of Commissioner of Patents	18	9
Letters-patent to Joseph S. Winsor	19	9
Schedule referred to in letters-patent	20	10
Four drawings	42, 43, 44, and 45	22
Writ of error	46	22
Citation and service	48	23
Clerk's certificate	50	24

At a circuit court of the United States, begun and holden at Providence, within and for the Rhode Island district on the fifteenth day of November, A. D. 1856—

Present: Hon. Benjamin R. Curtis, Asso. Justice Supreme Court United States; Hon. John Pitman, U. S. district judge R. I. district; George H. Brown, esq., United States district attorney; Francis C. Gardiner, esq., United States marshal; Henry Pitman, clerk United States circuit court.

Be it remembered that at the November term, A. D. 1855, of the circuit court of the United States for the Rhode Island district, the following writ, declaration, and plea were filed:

Writ.

RHODE ISLAND DISTRICT, *sc.*

The President of the United States of America, to the marshal of [L. S.] said district, or to his deputy, greeting:

We command you to arrest the bodies of George Kendall, Leander M. Ware, and George L. Jenckes, gentlemen, alias harness makers, all of Providence, in the county of Providence and State of Rhode Island, and citizens of the United States, if they may be found in your district; and for want of their bodies, to attach their goods and chattels, to the value of ten thousand dollars, and them or those in safe custody keep, to answer the complaint of Joseph S. Winsor, of said Providence, a citizen of the United States of America, at the next circuit court, to be holden at Providence, within and for the Rhode Island district, on the fifteenth day of November next ensuing the date hereof, in an action of the case: For that certain letters-patent, duly issued in the name of the United States of America, according to the act of Congress in such case made and provided, dated the second day of January, A. D. 1855, were granted to the plaintiff, a citizen of the United States of America, for a new and useful "improvement in machines for making weavers' harness;" and the said defendants, not ignorant of the premises, but contriving to injure the plt'ff in that behalf, and wrongfully to deprive him of the benefit of said patent right, after the issuing of said letters-patent, made and used, and vended to others to be used, the said invention and improvement so patented and secured as aforesaid, and have infringed the patent rights so secured by said letters-patent, and belonging to said plt'ff, contrary to the statute in such case made and provided; and other wrongs to the pl'tff have done and committed, as by the declaration to be filed in court will be fully set forth, to the damage of the plaintiff

ten thousand dollars. Hereof fail not, and make true return of this writ, with your doings thereon.

Witness the Hon. Roger B. Taney, our Chief Justice, at Providence, this eleventh day of September, Anno Domini 1855.

(Signed) HENRY PITMAN,
Clerk.

Marshal's Return.

RHODE ISLAND DISTRICT, *sc.*

UNITED STATES OF AMERICA,
September 11*th*, 1855.

Arrested the within-named defendants as commanded, and have accepted of Hiram Kendall as their bail.

(Signed) R. CLAPP,
Dep'y U. S. Marshal.

Fees: 3 services.....	$6 00
Bail and copies..	3 00
	$9 00

[Endorsed:] Hiram Kendall.

Declaration.

RHODE ISLAND DISTRICT, *sc.*

Circuit court of the United States, November term, A. D. 1855.

Joseph S. Winsor, of Providence, in the State of Rhode Island, a citizen of the United States of America, complains of George Kendall, Leander M. Ware, and George L. Jenckes, gentlemen, alias harness makers, all of Providence, in the county of Providence, and State of Rhode Island, and citizens of the United States, in the custody of the marshal, in an action of the case—for that the pl'tf was the original and first inventor or discoverer of a certain new and useful improvement in machines for making weavers' harness, in the letters-patent hereinafter mentioned and fully described, the same being a new and useful "improvement in machines for making weavers' harness," and which was not, at the time of his application for a patent, as hereinafter mentioned, in public use, or on sale, with his consent or allowance; and pl'tf being so, as aforesaid, the inventor or discoverer thereof, and being also a citizen of the United States, on the second day of January, A. D. 1855, upon due application therefor, did obtain certain letters-patent thereof in due form of law under the seal of the Patent Office of the United States, signed by the Secretary of the Interior, and countersigned by the Commissioner of Patents *of Patents* of the United States,

bearing date the day and year aforesaid, whereby there was secured to him, his heirs, administrators, executors or assigns, for the term of fourteen years from and after the date of the patent, the full and exclusive right and liberty of making, using, and vending to to others to be used, the said invention, improvement or discovery, as by the said letters-patent, in court to be produced, will fully appear.

And the pltf. further says, that from the time of granting to him of the said letters-patent, hitherto he has made and has used the said invention, improvement or discovery to his great advantage and profit; yet the said defendants, well knowing the premises, but contriving to injure the pltf., and to deprive him of the profits, benefits, and advantages which he might, and otherwise would have derived and acquired from the making, using, exercising, and vending of the said invention, after the making of the said letters-patent, and within the said term of fourteen years in said letters-patent mentioned, did, on the first day of September, A. D. 1855, and at divers times before and afterwards during the said term of fourteen years mentioned in said letters-patent, and before the purchase of the pltf's writ, at Providence, in the county of Providence, in said district of Rhode Island, unlawfully and wrongfully, and without the consent or allowance, and against the will of the pltf., make, and use and vend to others to be used, the said invention, improvement or discovery, in violation and infringement of the exclusive right so secured to the pltf. by said letters-patent as aforesaid, and contrary to the form of the statutes of the United States in such case made and provided; whereby the pltf. has been greatly injured and deprived of great profits and advantages which he might and otherwise would have derived from said invention; and has sustained actual damage to the amount of ten thousand dollars; and by force of the statutes aforesaid an action hath accrued to him to recover the said actual damage, and such additional amount, not exceeding in the whole three times the amount of such actual damages as the court may see fit to order and adjudge:

Yet the said defts., though requested, have never paid the same, nor any part thereof to the plt'fs, but have refused, and yet refuse so to do.

To the pltfs. damage ten thousand dollars, as laid in his writ, dated the 11th day of September, A. D. 1855.

Wherefore he sues by his attorney.

(Signed.) JOHN P. KNOWLES.

Plea.

RHODE ISLAND DISTRICT, *sc.*

Circuit court of the United States, November term, 1855.

JOSEPH S. WINSOR
vs.
GEORGE KENDALL et al.

And the said defendants come and defend, &c., when, &c., and say they are not guilty in manner and form as the said plaintiff hath thereof in his said declaration complained against them. And of this, &c.

By their att'y,
(Signed.) T. A. JENCKES.

And the pltf. likewise, by his att'y,
(Signed.) JOHN P. KNOWLES.

The defendants will offer evidence of a license under said plea, and also evidence under the 7th section of the act of March 3d, 183 , entitled "An act in addition to an act to promote the progress of the useful arts," and all other matters proper to be introduced under said plea.

And the case being called for trial at the present term is committed to the following jury:

Jeffrey S. Lewis, F.,	Wm. E. Hubbard,
Caleb Hill,	Peleg Arnold,
Frederick P. Durfee,	Consider W. Burt,
R. P. Eddy,	Benjamin W. Mowry,
Asher Mathewson,	George W. Baten,
William Fenner, jr.,	Charles F. Allen.

Who bring into court the following—

Verdict.

The jury find that the defts. are guilty in manner and form as the plaintiff hath declared against them, and assess damages for the plft. in the sum of two thousand dollars.

Signed. JEFFRY S. LEWIS, *Foreman.*

Judgment.

Whereupon it is considered by the court here that the plaintiff have and recover of the defendants the sum of two thousaud dollars debt, and costs of suit taxed at one hundred and twenty dollars and nine cents.

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Appeal Bond.

RHODE ISLAND DISTRICT, *sc.*

United States circuit court, November term, A. D. 1856.

JOSEPH S. WINSOR
vs.
GEO. KENDALL et al.

Know all men by these presents, that George Kendall, Leander M. Ware, and George L. Jenks, all of Providence, in the county of Providence, in said district, and State of Rhode Island, as principals, and Hiram Kendall, of said Providence, in said county, district, and State, as surety, are held and firmly bound unto Joseph S. Winsor, of said Providence, in said county, district, and State, plaintiff in the above-entitled suit, in the sum of five thousand dollars, to be paid to the said Joseph S. Winsor, his executors and administrators; to which payment, well and truly to be made, the said George Kendall, Leander M. Ware, and George L. Jenks, as principals, and Hiram Kendall, as surety, bind themselves and each of them jointly and severally, and their and each of their heirs, executors, and administrators.

In witness whereof, the said George Kendall, Leander M. Ware, and George L. Jenks have hereunto set their hands and seals, this sixth day of October, in the year of our Lord one thousand eight hundred and fifty-seven.

The condition of this obligation is, that whereas George Kendall et al. have prosecuted a writ of error to the Supreme Court of the United States in the above-entitled cause, to reverse the judgment rendered therein against them, in favor of the said Joseph S. Winsor, by the circuit court of the United States for the first circuit within and for the district of Rhode Island, at its November term, at Providence in said district, A. D. 1856: Now, therefore, the condition of this obligation is such, that if the said George Kendall et al., plaintiffs in error, shall prosecute their said writ with effect, and answer all damages and costs if they fail to make their plea good, then this obligation shall be null and void, otherwise shall be and remain in full force.

(Signed.) GEORGE KENDALL, [L. S.]
GEO. L. JENCKS, [L. S.]
LEANDER M. WARE, [L. S.]
HIRAM KENDALL, [L. S.]

Signed, Sealed, and delivered, in presence of—
CHAS. V. WARE.

Approved: October 23d, 1857.
(Signed.) JOHN PITMAN,
Dist. Judge U. S. R. I. District.

Bill of Exceptions.

Circuit Court of the United States, Rhode Island district.

JOSEPH S. WINSOR
vs.
GEORGE KENDALL et al. } November term, 1856.

On the trial of the above-entitled cause, the plaintiff gave in evidence letters-patent, a copy whereof and of the accompanying specification and drawings is hereto annexed, and marked A. He also offered evidence tending to prove that the defendants, since the date of the said letters-patent, and before the date of the plaintiff's writ, had used eleven machines constructed substantially like the machine which is described in the plaintiff's specification.

The defendants did not deny that the plaintiff was the original and first inventor of the thing patented, nor that they had used the same as aforesaid; but insisted that the plaintiff, before obtaining his letters-patent, abandoned his invention to the public, or if not thus abandoned, that the machines used by the defendants were constructed by them before the application of the plaintiff for his letters-patent, and so they had the legal right to use the same after the letters-patent were issued under the seventh section of the act of March third, eighteen hundred and thirty-nine.

In support of this defence, evidence was introduced by the defendants tending to show that the plaintiff constructed a machine in substantial conformity with his specification as early as 1846, and that in 1849 he had several such machines in operation, on which he made harness to supply all such orders as he could obtain; that he continued to run these machines until he obtained his letters-patent; that he repeatedly declared to different persons that the machine was so complicated that he preferred not to take a patent, but to rely on the difficulty of imitating the machine, and the secrecy in which he kept it. And the defendants also gave evidence tending to prove that the first of their machines was completed in the autumn of 1853, and the residue in the autumn of 1854, and that in the course of that fall the plaintiff had knowledge that the defendants had built or were building one or more machines like his invention, and did not interpose to prevent them.

The plaintiff gave evidence tending to prove that the first machine built by him was never completed so as to operate; that his second machine was only partially successful, and improvements were made upon it; that in 1849 he began four others, and completed them in that year, and made harness on them, which he sold when he could get orders; that they were subject to some practical difficulties, particularly as it respected the method of marking the harness, and the liability of the bobbin to get out of the clutch:

that he was employed in devising means to remedy these defects, and did remedy them; that he also endeavored to simplify the machine by using only one ram shaft; that he constantly intended to take letters-patent when he should have perfected the machine; that he applied to Mr. Keller for this purpose in February, 1853, but the model and specifications were not sent to Washington till November, 1854; that he kept the machines from the view of the public, allowed none of the hands employed in the mill to introduce persons to view them, and that the hands pledged themselves not to divulge the invention; that among the hands employed by the plaintiff was one Kendall Aldridge, who left the plaintiff's employment in the autumn of 1852, and entered into an arrangement with the defendants to copy the plaintiff's machine for them, and did so; and that it was by Aldridge, and under his superintendence, and by means of the knowledge which he had gained while in the plaintiff's employment, under a pledge of secrecy, that the defendants' machines were built and put in operation; and that one of the defendants had procured drawings of the plaintiff's machine, and have taken out letters-patent for it in England.

Each party controverted the facts thus sought to be proved by the other.

The defendants' counsel prayed the court to instruct the jury as follows:

Instructions prayed for on the part of the defendant.

1. That it is the duty of an inventor, if he would secure the protection of the patent laws, to apply for a patent as soon as his machine (if he has invented a machine) is in practical working order, so as to work regularly every day in the business for which it was designed; and if he does not so apply, he has no remedy against any person who possess themselves of the invention with his knowledge and without his notification to desist, or *if* his claims as an inventor before he applies for his patent.

2. That a machine can no longer be considered as an experiment, or the subject of experiment, when it is worked regularly in the course of business, and produces a satisfactory fabric, in quantities sufficient to supply the entire demand for the article.

3. That in order to justify the delay of the plaintiff in applying for a patent after his machine was in practical working order, on the ground of the desire to improve and perfect it, the plaintiff must show some defect in construction, or difficulty in the operation or mode of operation, which he desired and expected to remove by further thought and study; and if no such thing is shown, then the machine must be held to have been completed and finished, in the sense of the patent law, at the time it was put in regular working use and operation.

4. That under the 7th section of the act of 1839, entitled, &c.,

if the jury are satisfied that the machines for the use of which the defendants are sued were constructed and put in operation before the plaintiff applied for his patent, then the defendants possessed the right to use, and vend to others to be used, the specific machines made or purchased by them, without liability therefor to the plaintiff; and the jury are to inquire and find only the fact of such construction before the date of the plff's application, in order to render a verdict for the defendants.

5. That under said section of said act, if the machines used by the defendants were purchased or constructed by them before the application of the plaintiff for his patent, with the knowledge of the plaintiff, then they must be held to possess the right to use, and vend to others to be used, the machines so purchased or constructed; and the jury are to inquire into and find only the fact of such purchase or construction, and that the plaintiff had knowledge of the same, in order to render a verdict for the defendants.

6. That under said section of said act, if the machines used by the defendants were purchased or constructed by them before the application of the plaintiff for his patent, without the knowledge of the plaintiff, and without his notifying the defendants of his claim as the inventor, and requiring them to desist from such construction, then they must be held to possess the right to use, and vend to others to use, the machines so purchased or constructed; and the jury are to inquire only into and to find the fact of such purchase or construction, and that the plaintiff had knowledge of the same, and did not notify the defendant to desist from such purchase or construction of his claims as inventor, in order to render a verdict for the defendants.

The court set aside all those prayers for instructions, and did instruct the jury as follows:

1. That if Aldridge, under a pledge of secrecy, obtained knowledge of the plaintiff's machine—and he had not abandoned it to the public—and thereupon, at the instigation of the defendants, and with the knowledge, on their part, of the surreptitiousness of his acts, constructed machines for the defendants, they would not have the right to continue to use the same after the date of the plaintiff's letters-patent. But if the defendants had these machines constructed before the plaintiff's application for his letters-patent, under the belief authorized by him that he consented and allowed them so to do, then they might lawfully continue to use the same after the date of the plff's letters-patent, and the plaintiff could not recover in this action. And that if the jury should find that the plaintiff's declaration and conduct were such as to justify the defendant in believing he did not intend to take letters-patent, but to rely on the difficulty of imitating his machine and the means he took to keep it secret, this would be a defence to the action. And they were further instructed, that to constitute such an abandonment to the public as would destroy the plaintiff's right to take a

patent, in a case where it did not appear any sale of the thing patented had been made, and there was no open public exhibition of the machine, the jury must find that he intended to give up and relinquish his right to take letters-patent. But if the plaintiff did intend not to take a patent, and manifested that intent by his declarations or conduct, and thereupon it was copied by the defendant, and so went into use, the plaintiff could not afterwards take a valid patent.

To which refusal to give the instructions prayed for, as well as to the instructions given, the defendants by their counsel excepted before the jury retired from the bar; and as the matter thereof did not appear of record, prayed the court to allow and seal this bill of exceptions; which being found correct, has been allowed and sealed accordingly by the presiding judge.

[L. S.] B. R. CURTIS,
Justice Sup. Ct. U. S.

The U. S. Patent Office, to all to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the records of this office of letters-patent issued to Joseph S. Winsor, on the second day of January, eighteen hundred and fifty-five.

In testimony whereof, I, Joseph Holt, Commissioner of Patents, have caused the seal of the Patent Office to be hereunto [SEAL.] affixed this seventh day of October, in the year of our Lord one thousand eight hundred and fifty-seven, and of the independence of the United States the eighty-second.

J. HOLT.

No. 12,175.

The United States of America, to all to whom these letters-patent shall come:

Whereas Joseph S. Winsor, of Providence, R. I., has alleged that he has invented a new and useful improvement in machines for making weavers' harness, which he states has not been known or used before his application; has made oath that he is a citizen of the United States; that he does verily believe that he is the original and first inventor or discoverer of the said improvement, and that the same hath not, to the best of his knowledge and belief, been previously known or used; has paid into the Treasury of the United States the sum of thirty dollars, and presented a petition to the Commissioner of Patents, signifying a desire of obtaining an exclusive property in the said improvement, and praying that a patent may be granted for that purpose;—these are, therefore, to grant, according to law, to the said Joseph S. Winsor, his heirs, administrators, or assigns, for the term of fourteen years from the second

day of January, one thousand eight hundred and fifty-five, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said improvement, a description whereof is given in the words of the said Winsor in the schedule hereunto annexed, and is made part of these presents.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Patent Office has been hereunto affixed. [L. S.]

Given under my hand at the city of Washington this second day of January, in the year of our Lord one thousand eight hundred and fifty-five, and of the independence of the United States of America the seventy-ninth.

ROBERT McCLELLAND,
Secretary of the Interior.

Countersigned and sealed with the seal of the Patent Office.

C. MASON,
Commissioner of Patents.

The schedule referred to in these letters-patent and making part of the same.

To all to whom these presents shall come:

Be it known that I, Joseph S. Winsor, of Providence, in the State of Rhode Island, have invented a new and improved machine for making weavers' harness, of which the following is a full, clear, and exact description, reference being had to the accompanying drawings making part of this specification, in which—

Figure 1 is an end view; figure 2 a front elevation; figure 3 a top view; figure 4 a vertical section taken at the line A a of figure 3; figure 5 another vertical section taken at the line B b of figure 3; figure 6 sections of the spool carrier and spool on an enlarged scale; figure 7 sections on an enlarged scale of the switch cam; and figure 8 separate view on an enlarged scale of the heddles.

My invention is of a machine for forming and tying weavers' leese heddles of two twines by a continuous operation which ties the two knots to form the eye, and a knot at each end around the bands, the same twines forming any number of heddles in succession all connected; and, although the said machine can readily make heddles without what is called the leese, yet an essential part of my invention relates to the making of leese harness as they are termed, which is essential in drawing in the web in mounting looms, that is, in passing the warp threads through the eyes of the heddles—what is termed the leese in harness is having the two twines which form each eye at one end on one side of the corresponding shaft or rod, and at the other end one on each side of the other shaft or rod, which has the effect to keep the eyes of the several heddles in proper

relation to each other, thereby greatly facilitating the operation of drawing in the web.

In the accompanying drawings, A represents a suitable frame, which may be varied to suit the judgment of the constructor. At the bottom of the frame are four spools, a 7, a 7, a 7, a 7, mounted horizontally on a rod, which carry the four twines that constitute the two bands b 7, b 7 of the harness, each band consisting of two twines. The two twines for each band pass under pressure springs c 7, c 7, and thence through hollow vertical studs s 1 and s 5, and secured to a bar m, above the machine, adapted to slide on a vertical standard d 7, the bar being provided with a clamp nut e 7, which embraces a vertical feed screw u, by which the bar is gradually and regularly carried up with the two bands as the heddles are tied on to them; and the required motion is imparted to the feed screw, from the main driving shaft F, by a pinion thereon engaging a spur-wheel i on the shaft G, which carries a bevel wheel h that engages a bevel pinion g on a vertical shaft o, which shaft at its upper end carries a spur wheel l that engages a corresponding wheel k on the lower end of the feed screw u. The bevel wheel h runs loose on the shaft G, and is connected with it by a clutch box f 7, governed by a spring lever f, so that the attendant can at any time disengage the clutch box to stop the feed motion.

The gearing for imparting the feed motion may be varied at pleasure, and, if desired, it may be provided with intermediate shifting wheels to vary the feed for finer or coarser heddles.

As the heddles are formed in succession and tied to the bands, they are drawn up by the upward motion of the bar, and on to the two slats or rods b 8, b 8 of the harness.

These two slats are temporarily secured by their upper ends to a clamp b 9, secured to the frame of the machine, and there held over the two studs through which the bands pass; and to the lower end of these slats or rods are temporarily attached metal beaks, b 10, b 10, which are slightly curved outward and pointed, the points extending down to and by the side of the sterns on the first and fifth studs through which the bands pass, so that during the progress of forming the heddles, they are gradually drawn on to the two slats; and when the required number of heddles have been formed, the slats are taken out of the clamp, and the beaks removed, the heddles being completely mounted on the slats.

The two twines g 6, g 7, to form the heddles, are carried by two spools h 6, h 7, mounted on two spools z 1, z 2, each provided with a standard by the side of the spool through which the twine passes on the way to an eye in the top of the spindle on which the spool turns; a spring on the stand makes pressure on the twine to prevent it from giving out too freely.

The base of each spool-stand is oval, with a projecting flanch on each side of the bottom as at i 6, and these flanches are fitted to a groove j 6, formed by a rebate in the lower and inner edge of a

plate c, resting on a corresponding plate below, and also by collars on a series of five studs s 1, s 2, s 3, s 4, s 5, which stand all in a row.

These five collars are circular, and the path of the spool-stands is made around them by cutting out the plate C, and corresponding plate below, in a series of five circles, all intersecting each other to such an extent as to make a pathway for the spool-stands all around each of the collars on the studs with the groove j 6 on each side to receive the two flanches i 6 of the spool-stands. The space between the several collars of the studs should be equal to the space between the collars and the plate C, that the spool-stand may pass between any two of the collars. The oval form is given to the spool-stands to enable them to travel in this curved track.

The spool-stands are made to travel in their peculiar track by means of two carriers, T 1 and T 2, one for each spool-stand, and placed immediately below them.

The path of the carrier corresponds with the path of the spool-stands, but made in a plate D, below the plate C, and between this plate D and a corresponding set of collars k 6 on the studs s 1 to s 5.

The edge of this plate and the collars k 6 form a tongue which is embraced by two sets of flanches l 6, l 6 on the carriers.

The leese of the carriers embraced between the plate and the collars, as well as the two flanches, is of a form nearly elliptical, or rather formed by two segments of circles united at their chords, and the body is of a corresponding form.

The upper part of the carriers fit into cavities in the under part of the spool-stands, in the following manner, viz: each carrier is provided with two flippers, as they are termed, that is, two pieces, m 6, m 6, which are fitted to slide vertically in cavities made therefor, and provided with helical springs, n 6, n 6, the tension of which constantly forces them upwards to the position represented in figure 6, and they are prevented from being forced higher by check-pins, o 6, o 6.

The upper ends of these flippers are beveled off on opposite sides from the center, thus forming points which enter the two corresponding cavities of the spool-stand, so that, as the carriers and spool-stand travel along their path by means of a suitable instrument to be presently described, the twines can be made to pass between the carriers and spool-stands; the said instrument, with the twine in it, first depressing one of the flippers, whilst the connection continues by means of the other, and when the first flipper is forced back to its original position, the other is depressed.

In this way the spool-stands and carriers pass the twines for the purpose of tying the knots, without breaking the connection between the spool-stands and the carriers from which they derive motion.

Motion is imparted to the carriers T 1 and T 2, by means of

chucks p 6, one on each wheel, and each chuck consists of two arms on opposite sides of the axis, with a recess or fork at the end of each to receive a central pin at the lower end of the carriers. These chucks are attached to the hollow arbors of a corresponding set of spur-wheels, b 1, b 3, b 4, b 5, b 6, fitted to turn on the five studs, and resting on permanent collars o 1, o 2, o 3, o 4, o 5 on the lower end of the studs, or instead thereof, resting on the surface of the plate E, to which the studs are attached.

The two spur-wheels b 1, b 3 mesh into each other, and receive motion from a wheel I 2 on a vertical shaft E 1, which engages a spur-wheel b 2 on the hollow arbor of the wheel b 1, thus causing the two wheels b 1 and b 3 to turn in opposite directions, as well as the corresponding chucks connected therewith.

It is necessary, at certain parts of the operation, to make what is called the leese in the heddles to reverse the motion of the chucks carried by the two wheels b 1 and b 3, and this is effected by having another spur-wheel b 7 on the arbor of the wheel b 3, which engages a wheel I 1 on the shaft E 1. The two wheels I 1 and I 2 run loose on the shaft, and are alternately clutched with the shaft by means of a sliding clutch H 1 fitted to slide in the shaft, and attached to a rod q 6 fitted to the inside of the shaft, and extending down below it, where it is provided with a collar embraced by one end of a lever r 6 turning on a stud pin on a hanger M attached to the front of the frame, (see figure 2.) By this means, when the lever is lifted up the clutch engages the wheel I 2, and when depressed, the wheel I 2 is liberated, and the wheel I 1 is clutched, which reverses the motions of the two wheels b 1, b 3, and the chucks connected therewith. The lever receives the required motions from the periphery of a cam J on the shaft G, which makes one revolution whilst the machine makes two heddles. The cam rotates in the direction of the arrow, and when the projection s 6 reaches the acting face of the lever, it elevates it and clutches the wheel I 2, and keeps it clutched until the projection passes, at which time the lever and clutch, if desired, may be depressed by a spring or weight to clutch the wheel I 1, but I prefer to make this motion more positive by means of a pin on the face of the cam wheel (represented by dotted lines in figure 4) which acts on a lip projecting from a piece t 6 attached to the lever. In this way the reversed motion is given at the periods required, as will be presently described.

The spur-wheel b 4 engages the wheel b 5, which in turn engages the wheel b 6, and these receive motion constantly in the same direction from the same shaft E 1, by a spur wheel I 3, with an intermediate wheel represented by dotted lines in figure 3.

In beginning the operation the spools should be placed, the one T 1 in front of the stud s 1, and the other T 2 in front of the stud s 5, as indicated by dotted lines in figure 3; and the twine from each spool is attached by a simple knot around the corresponding

band b 7, and what I term a stem. There are two of these stems, u 6, u 6, one on the upper end of each of the studs s 1 and s 5; they are inserted in the bore of the studs, and project upward and gradually brought to a point, and are cut out at the side to permit the bands b 7, b 7, to pass through.

The machine being put in motion, the spool carrier T 1, with its spool-stand and spool, is carried around to the right by the chuck p 6, on the stud s 1, and when it gets between this stud and the next stud s 2, the chuck on the wheel b 3 engages it, and just at that time the clutch H 1 is shifted from the wheel I 2 to I 1, which reverses the motion of the wheels b 1 and b 3, and with them the chucks that operate the carrier; at the same time a switch c 1 is inserted in the position represented at figure 3 to close the path of the carrier back of its present position.

This is effected by a fillit-cam w 6, projecting from the face of the cam J. The switch is attached to the upper end of a lever L, that turns on a fulcrum pin y 6 so freely that it can vibrate freely in any direction. The lower arm of the lever is provided with a pin z 6, which at this time bears on the inner periphery of the fillet cam which is cut through for the passage of this pin at a 8, a 8, and on one side of each passage there is an inclined lip which acts on the pin and forces it through. During this part of the operation the pin on the lever is carried from the inside to the outside, which forces in the switch to the position represented in figure 3, so that the carrier cannot go back while the wheels and chucks are reversed, and therefore is passed around the second stud s 2 once and a half, by which time it reaches a position between the second and third studs, and to do this it forces out of the way a spring switch c 11, which is so hung in the path of the carrier as to close the path at that place to prevent the carrier from passing it in the opposite direction, but in the direction described.

In the first part of the revolution of the carrier around.....the second stud the twine from the spool passes over the top of the second stud, and against a finger hanging down from the end of an arm W 1, which finger at this time is lying in a groove at the side of the upper end of the second stud. This arm W 1 turns on a fulcrum pin at its rear end, and it is connected by a link to a lever a 1, which is drawn in one direction by the tension of a spring c 8, to keep the finger in its groove, and in the opposite direction by a cam projection d 8 on the cam B 1.

This lever is in its turn connected by a link e 8, with a corresponding arm W 3 on the other side, having a corresponding finger to act against the fourth stud on the other side, and to effect a like purpose in reference to the other twine.

After the carrier has passed around during its first revolution beyond the second stud, and whilst the thread is stretched from the finger to the spool, it is caught by a hook g 8, on the end of an arm W 4, which catches the twine and carries it to the position repre-

sented in figure 3, that is, towards and over the end of the middle or third stud; this operation is effected by the action of the cam B 2 on the cam shaft c 1, the arm being drawn back after the passage of the cam by the spring h 8. There is a corresponding hook on the arm W 2 on the other side, to perform the corresponding operation with the other twine, and these two are connected together by links a 8, a 8, with the opposite ends of a lever a 11, so that the arm W 2 will receive its motions from the arm W 4.

This having been effected, the carrier passes around the second stud again, as before stated, to wind the twine once around the finger on the arm W 1.

During the operations already described with reference to the carrier T 1, and its spool and twine, the other carrier, T 2, with its spool and twine has been performing corresponding operations on the other side, with the exception of the reverse motion of the wheels and chucks on the first and second studs, and these we will now trace. The carrier T 2, starting from its position in front of stud S 5, passes around to the left and between the fifth and the fourth studs; at this time a switch c 3, which lies in the path, is shifted to the right to close the path around the fifth stud to compel the carrier to be caught by the chuck on the fourth stud, and to pass around and back of the fourth stud, the finger and hook, on the arms W 3 and W 2, performing the like offices as the corresponding ones on the other side. The switch c 3, above named, is on the upper end of an arm Q, which is acted upon by a cam H, (see figure 7,) on the shaft G, the lever being kept against the cam by the tension of a spring in the usual manner, but not seen in the drawings; now then, the two threads being drawn by the two hooks on the arms W 2, W 4, and extending from the fingers on the two arms W 1 and W 3, with the hooks over the middle or third stud, these two threads are to be taken and drawn down to form two square loops of sufficient size to permit the spools and spool-stands to pass through them to form the knots. This is done by means of an instrument which I denominate the double deppresser G 11, on the upper end of a spindle j 8, fitted to the bore of the middle or third stud. This depresser consists of two wings projecting on opposite sides of the spindle and at the upper end thereof. The outer end of each has a finger k 8, which, as the spindle is turned, comes one against the second, and the other against the fourth stud, to limit the extent of motion in that direction. The under face of each arm is grooved radially to receive the twines in the operation of depressing, and the inner and outer ends of each are notched to receive and guide the twine in the operations.

In the position of the parts before described, the spindle of the double depresser is made to turn to bring the two wings each over one of the twines drawn from its appropriate finger to the hook, and when this is done the entire depresser is drawn down to a level with the bottom of the spool-stand, so as to pass between the spool-

stands and the spool carriers, as before indicated, as the means of carrying the spool over the twine held at the time under the wings of the said depresser, the grooves on the wings protecting the twines as the spool-stands and carriers pass the wings of the depresser. These motions are imparted to the spindle of the depresser by the following means: there is a collar k 9 at the lower end of the spindle, which is embraced by the forked end of a lever P 2, and this lever carries a pin l 8 which is acted upon by a cam E 2 on the shaft D 1 to depress the spindle, and after the cam has passed, the lever is elevated by a spring m 8, and on the top of this lever is jointed another lever n 8, the outer end of which fits in a slot in a short arm o 8 at the lower end of the spindle. This lever n 8 is acted upon in one direction by a spring to turn back the depresser at the end of the operation, and in the opposite direction, by means of a cam p 8 on the shaft D 1, to turn the spindle and carry the wings over the twines preparatory to the depressing operation, which takes place afterwards, and as the lever for turning is on the lever for depressing the spindle, the two operations can be performed in succession on the spindle.

The depressor having formed the two loops, one on the left with the twine from the spool of the carrier T 1, and the other on the right with the twine from the spool of the carrier T 2, it becomes necessary that each twine should pass through its own loop to form the knot, and then that the twine from the spool of carrier T 1 should pass through the loop of the twine from the spool of carrier T 2, to be tied therein when the knot is drawn tight, and that the same operation should be performed by the twine from the spool of carrier T 2, to complete the eye of the heddle with the two knots, one at each end. These operations are thus performed: when the motion of the carrier and spool-stands were last described, they were left, the one T 1 in front of the second stud, and the other T 2 back of the fourth stud.

From these positions the spool of carrier T 1 passes through the loop of its own twine, and thence back of the middle stud, a switch c 4 having been shifted to close the path that leads back of the second stud, and to operate the path back of the third stud, the carrier is directed around and passes back of the third stud.

This switch c 4 is on the upper end of a lever N 2, acted upon by a cam I on the shaft G; this lever is acted upon in the opposite direction by a spring in the usual manner, not shown in the drawing.

There is a corresponding lever N 1, acted upon in like manner by the cam I, which lever carries a corresponding switch c 5, which performs the like office for the carrier T 2 on the other side of the middle stud, and in consequence, whilst the carrier T 1 has been passing through the loop on the left, and thence around and back of the middle stud, the carrier T 2 has been passing through the loop on the right side, and around in front of the middle stud.

They both continue their motions in opposite directions, and carrier T 1 passes its spool through the loop of the other twine on the right, whilst the spool of carrier T 2 passes its spool through the loop on the left. In this way it will be seen that each twine has been carried through its own loop to form the knots, and then each through the loop of the other twine. In this state of things the depresser begins to rise to liberate the two twines, that the two knots thus formed may be drawn tight to complete the eye of the heddle, and as the depresser rises the twines are drawn tight to close the knots by the continued motion of the carriers and their spools, the one T 1 passes around in front of the fourth stud, thence between the fourth and fifth, and around to the back of the fifth, the switch c 3 in that path having been carried back to the position represented in figure 3 by the action of the spring, as before described. And in the mean time carrier T 2, with its spool, has passed around the back of the second stud, and between the second and first, to the front of the first stud. By this time the carriers have reached these positions, the double depresser has been elevated, and the twines composing the two knots and the eye continue to be held by the two hooks W 2 and W 4, and the fingers W 1 and W 3 and the two twines are respectively stretched from the knots through which they were passed, the one from the spool of carrier T 1, back of and against the stem u 6 on the upper end of the fifth stud, and the other from the spool of carrier T 2, in front of and against the stem u 6 on the upper end of the first stud. As the carrier T 1 passes around the outside of and to the front of the fifth stud, its twine passes outside of the band b 7 that passes through that stud, and in so passing it is brought against a hook q 6 which at the time is lying near to the stem, and by which the twine is caught and drawn out preparatory to forming a loop. In the mean time, the other twine from the spool of carrier T 2 has been carried through a like circuit around the front of the stem u 6 on the first stud, and a corresponding hook q 6 to be there formed into a loop. These two hooks q 6, q 6 are termed rocking hooks, because they are each on the end of an arbor which has a rotary, reciprocating motion like a rock shaft. The arbors of these hooks are mounted each in a vibrating lever r 6 that turns on fulcrum pins r 7, and their rear ends are provided with wrist-pins which are acted upon by the cams B 1 and B 3, on the shaft c 1, to carry the hooks outward from the first and fifth studs, and after the cams have passed, the levers are drawn back to carry the hooks back towards the studs by springs r 8, r 8. The arbors are surrounded by helical springs r 9, r 9, the tension of which tend to turn the arbors in one direction, so that the hooks will liberate the twines, and they are turned in the opposite direction, to hook and insure the holding of the twines, by a small spur on each arbor, which, as the lever begins to move outwards, strikes against a fixed stud r 10.

As before stated, the two carriers having carried the twines around these two hooks, they move outwards, at the same time turning to insure the holding of the twines, and draw them out in a straight line from the stems, and under two single depressers, V 1 and V 2, which are grooved on their under faces for the same purpose as the wings of the double depresser. These depressers have each a vertical stem on the inner end, grooved to act as a guide to the twine during the depressing operation, and the outer end is bent up at right angles as at v 6, and then bent over at the upper end to form a vertical bar adapted to slide vertically in suitable ways in the frame; the object of this form is to leave an open space in which the hook lies during the depressing operation. The lower end of the two depressers are connected with two corresponding levers P 1 and P 2 provided with stud pins acted upon by two corresponding cams P 3 and P 4. After the cams have passed, the levers with the depressers are elevated by springs P 5 and P 6. By the action of the cams the depressers are carried down to the same level described with reference to the double depresser, and for the same purpose, that is, each to form the appropriate twine in the form of a square loop, through which the spool and spool-stand pass, to carry each twine through its own loop to form a knot when liberated and drawn tight, the horizontal part of the depresser alternately depressing the flippers in the carriers to enable the spool-stand to pass above, and the carrier below, whilst the two continue to be in connection that the spool-stand may continue to be carried by the carrier.

The two depressers having been depressed, and the loops formed, the carriers cause their spools to travel once more around the first and fifth stud, to pass through the loops, and bring the carrier T 1 between studs four and five, and the carrier T 2 between studs one and two, and during the last-described motion of the spool carriers, the two depressers have been elevated to their original position, the slack in the twines produced by the elevation of the depressers being drawn out by the continued motion of the spools. When the description of the operations.....for forming the loops at the ends of the heddle was commenced, the two twines were left around the two fingers W 1, W 3, and hooks W 2, W 4, with the eye and the two knots not yet completed, and the two hooks over the spindle of the double depresser, and the two fingers, one against the second, and the other against the fourth stud. In closing the eyes, and drawing the knots tight, a considerable length of twine must be drawn out, and somewhat quickly, to effect the operation properly. This is done partly by the onward motion of the two spools, partly by the outward motion of the two rocking hooks, and finally by the downward motion of the two single depressers. To effect the completion of the eye, and the knots at each end, the two fingers W 1, W 3 are carried gradually towards each other by the mechanism already described until they come in within a distance

which determines the length of the eye. The two knots are still one around one finger and one hook, and the other around the other finger and the other hook. But before the two fingers approach, the wings of the double depresser must swing around out of the way, which is done by turning the spindle, the cam being so formed as to give this motion at the required time. So soon as the fingers have been brought to their inward position, the two hooks W 2, W 4 are permitted, by the mechanism before described, to be carried outward until they reach their original position preparatory to another operation. This leaves the two knots still on the two fingers, the points of which are conical, that the knots may be gradually closed as they are discharged therefrom by an instrument called the discharger x 1. The forward end of this discharger is flat, to extend over the surface of the twines composing the eye, and its rear end embraces, and is adapted to slide on the end of a lever X that turns on a fulcrum pin x e, and the rear arm of the lever is acted upon by a tappet x 4 on the back of the cam wheel B 2, (see figure 9,) which depresses the forward end of the lever to effect the discharge, and as the forward end is discharged, the discharge is forced forward to get between the previously-formed heddle, and completely over the eye to be discharged, by its rear end striking against an inclined cam face x 5. And as the tappet passes away, the lever is drawn up, and the discharger drawn back by a spring x 6 attached to the discharger and to the frame.

The downward motion of the discharger, to force the knots off the ends of the fingers, takes place at the end of the downward motion of the two single depressers, which give the last pull to the two twines to complete the drawing of the knots tight. At this time it is necessary to hold the twines tight during the operation of completing the tying of the twines around the bands, and this is done by means of two pincers Y 1, Y 2, one just inside of the first stud, and the other just inside of the fifth stud. The lower jaw is formed on the foward end of a bar adapted to slide in suitable ways on the frame, and the upper jaw y 1 is a spring, the rear end of which is attached to the bar of the lower jaw, and the bar of the lower jaw has an inclined plane at y 2, and at this part a stem y 3, attached to the frame by a long shank, lies between the two jaws, so that as the jaws are drawn back they are opened by the inclined plane sliding on the stem, which forces up the upper spring jaw, and as they are moved foward they continue open, and the stem permits them to close only towards the end of the forward motion to take hold of and gripe the twine.

They are moved back to liberate a previously held twine by the action of a lever y 4, acted upon in one direction by a tappet y 5, and in the opposite direction by a spring y 6. When the lever is acted upon by the tappet, its upper arm strikes against a shoulder on the bar of the lower jaw and moves it back. The upper end of this lever is beveled, as represented in figure 4, and the bar of the

lower jaw has a corresponding inclined plane at y 7, which rests on the end of the lever, so that when the lever is operated by the tappet to draw back the bar of the pincers, their forward end is depressed, and as the tappet passes and permits the upper end of the lever to be returned or move forward by the tension of the spring y 6, the bevel of the arm comes in contact with the inclined plane y 7 which rests thereon, and as the pincers are carried forward to gripe a new twine by the tension of a spring y 8 attached to the frame at y 9, and to a stem on the bar of the pincers at y 10, their forward end is depressed by the action of the inclined plane on the beveled end of the lever. In this way the pincers are brought down to the proper line to catch the twine, which at the time is held down on the top of the studs.

The pincers having griped the twines to hold fast all the work that has been completed, the two single depressers are permitted to rise gradually as the twines are drawn off during the operation of forming the eye of the next heddle, which is done by the process already described, and as soon as the depressers are elevated, the two rocking hooks are drawn back by their springs, and the backing off of the cams, and at the end of their back motion, rock back to liberate the twines which are tied and drawn tight around the bands.

As the carriers T 1 and T 2 are returning to their original position, and forming the eye for the next heddle, they both move exactly in the same track, and perform precisely the same operations in the reversed direction throughout, with the following exception: when the carrier T 1 with its spool has completed its part of the operation of forming the new eye, and is moving from back of the second stud, and between it and the first, instead of moving thence around in front of the first stud, as carrier T 2 did in the first-described operation, it is reversed and carried back of and around the first stud, to make what has been described as the leese of the harness. This change of motion is effected by reversing the motions of the wheels and chucks on the first and second studs, as fully described above, and by the closing of the spring switch c 11, before described, which closes the track back of the second stud the moment the carrier passes it, and therefore compels the carrier to take the track back of the first stud.

The operation of forming the tie around the band on the first stud will be the reverse of the one first described, but the operations will be the same. By this alternate reversing of the action of the carriers to form the leese, the knots or ties on this band will be alternately reversed.

It is usual, in making heddles, to mark every nineteenth heddle, which by hand is done by introducing a string called a bier string. Instead of this I mark every nineteenth heddle with any suitable liquid dye contained in a cup by means of a marker c, which dips therein. This marker is on the end of a slide adapted to work in

suitable ways on the frame. It is moved back and forward by a lever, F 1, which is held back by a spring, and pushed forward at the required time by a tappet z 6 on the shaft D 1, represented by dotted lines in figure 1. But as this shaft makes one complete rotation for each heddle, and the marker is required to be operated only once for every nineteenth heddle, the lever F 1 is moved laterally on its fulcrum pin to bring it within range of action of a tappet z 6 at the required time, by means of a lever j 1, connected therewith by means of a rod j 1, and this lever j is acted upon at the required time by a tappet j 2 on a counting wheel e of nineteen cogs, which engages a worm on the shaft o. This worm is so proportioned as to carry the wheel one cog for each heddle, and the marker c is moved forward out of the liquid dye and brought in contact with every nineteenth heddle to make a mark thereon, which I prefer to the use of bier string.

Having thus described the purpose of my invention, the mode of construction which I have practised with success, and the mode of operation for the purpose of forming and tying the knots, forming the eye in each heddle and round the bands, of determining the size of the eye, and discharging them when completed, of holding the twines to complete the knots around the bands, of forming what is called the leese of the harness, and finally of marking every nineteenth heddle, or other determined number, I wish it to be understood that I do not limit myself to the special construction or arrangement of parts as described; but that I claim all merely formal variations, performing the same mode of operation by equivalent means.

What I claim as my invention in the within-described machine is the mode of operation substantially as specified, by means of which each twine is formed in a loop, and the spool or its equivalent carrying such twine carried through such loop to form a knot, and then the spool or its equivalent which carries the other twine passed through such loop that the twine thus carried through may be griped therein when the knot is drawn tight, thus forming the eye of two twines with a knot in each griping the other twine, as herein set forth.

And I also claim the mode of operation, substantially as herein described, for determining the size of the eyes by closing the knots on the two fingers or their equivalents, whereby the knots are closed at the proper place on each twine, the two sides of each eye made of equal length, and any desired number of eyes of the same size, as set forth.

And I also claim, in combination with the fingers, or their equivalents, on which the knots are closed, the discharger, or any equivalent therefor, by means of which the knots are discharged from the said fingers as they are drawn tight, as set forth.

And I also claim, in combination with the mechanism for forming the knots, substantially as herein described, the employment

of pincers, substantially as described, or any equivalent therefor, for holding the twines tight after the knots at each end of the eye have been closed, and during the operation of drawing the twines tight around the bands, as set forth.

And I also claim the mode of operation, substantially as described, by means of which the twines are wrapped around the bands in succession, and formed each into a loop through which the spool or its equivalent for carrying the twine is passed to effect the tie, substantially as described.

And I also claim the mode of operation, substantially as described, for forming what is termed the leese of the harness, by reversing the motions of the spools or their equivalents for carrying the twines, thus carrying the twines alternately on opposite sides of one band, as set forth.

And I also claim the method, substantially as herein described, of mounting the heddles, as they are formed on the slats or rods, by suspending the said slats or rods above the machine, and attaching the bands, to which the heddles are tied in the process of formation to a sliding bar or its equivalent, which is elevated as the heddles are formed, as set forth.

And, finally, I claim the method of marking every nineteenth (or any other number) of heddles, by means of the marker receiving motion in the manner substantially as specified, or by equivalent means.

JOSEPH S. WINSOR.

Witnesses—

WM. H. BISHOP,
HENRY C. BANKS.

(For drawing, see page 42.)

(For drawing, see page 43.)

(For drawing, see page 44.)

(For drawing, see page 45.)

UNITED STATES, *ss.*

[SEAL.] The President of the United States of America to the judges of the circuit court of the United States holden in and for the Rhode Island district, greeting:

Because that in the record and process, and also in the rendering of a judgment in a suit before you, or some of you, between Joseph S. Winsor, plaintiff, and George Kendall, Leander M. Ware, and George L. Jenckes, defendants, a manifest error hath intervened to the great damage of the said defendants, as has in their complaint been stated:

No 109 Fleet Street

1969

And it is just and proper that the error, if any there be, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday of December next, in the said Supreme Court then and there to be held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Hon. Roger B. Taney, Chief Justice of said Supreme Court, this first day of October, in the year of our Lord one thousand eight hundred and fifty-seven.

HENRY PITMAN,
Clerk Cir. Ct. U. S. R. I. Dist.

Allowed this 23d day of October, A. D. 1857.

JOHN PITMAN,
District Judge U. S. R. I. Dist.

The United States of America to Joseph S. Winsor, of the city and county of Providence, and State of Rhode Island, a citizen of the United States of America, greeting: [SEAL.]

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States for the district of Rhode Island, wherein George L. Kendall, Leander M. Ware, and George L. Jenckes are plaintiffs in error, and you are defendant in error, to show cause, if any there be, why judgment rendered against the said plaintiff in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Hon. Roger B. Taney, Chief Justice of the Supreme Court of the United States, this second day of October, in the year of our Lord one thousand eight hundred and fifty-seven.

JOHN PITMAN,
District Judge U. S. for Rhode Island District.

UNITED STATES OF AMERICA,
Rhode Island District, ss.

OCTOBER 23, 1857.

I have this day cited and admonished the within-named Joseph S. Winsor, by reading the within in his presence and hearing, and

also have served him with a true and attested copy of the within citation as commanded.

RUSSEL CLAPP,
Dep. U. S. Marshal.

FEES.

Service	$2 00
Copy	50
400 miles travel	24 00
	$26 50

UNITED STATES OF AMERICA,
Rhode Island District, ss.

CLERK'S OFFICE, CIRCUIT COURT,
Providence, November 3, 1857.

I, Henry Pitman, clerk of the circuit court of the United States for the first circuit within and for the Rhode Island district, in pursuance of the command contained in the within writ of error, do make return thereof, and annex hereto and transmit herewith a true copy of the entire record and of all proceedings in the cause wherein Joseph S. Winsor is plaintiff, and George Kendall, Leander M. Ware, and George L. Jenckes are defendants, wherein judgment was rendered in the said circuit court of the United States.

In testimony whereof, I have hereunto set my hand and affixed [SEAL.] the seal of said court the day and year above written.

HENRY PITMAN, *Clerk.*